

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

x

ARTHUR BALDER,

Plaintiff,

Case No. **22-cv-6401**

— against —

**EX PARTE MOTION TO
EXECUTE SERVICE OF
PROCESS VIA EMAIL**

SUSAN SARANDON,
DAVID SHARA,
HONEY SHARA,
TIGRAN TSITOGHDZIAN

Defendants.

x

This Ex Parte Motion is submitted to respectfully request that the Court orders service via email to all Defendants in this case for the reasons explained as follows.

1. As regards to Defendant Honey Shara. The Plaintiff attempted to serve the Summons and Complaint via the Deputy Sheriff of the City and State of New York. See Exhibit 1, Sheriff's Certificates of Attempted Service. "Honey Shara is no longer here because the owner of the building evicted all the tenants and whole building is vacant." Attempts to serve were made on 9/1/2022 at 12:55 at the only address known by Plaintiff, 576 5th Avenue, NY, NY, 10036, which has been the Saras' business address. The Plaintiff sent to Honey Shara the

Summons via email on August 25, 2022, days before the Sheriff's attempt. Honey Shara answered back: *"Within 21 Days after the serving of this summons. Today is August 25, 2022. The Date on the summons is August 4, 2022. For the record, no one has served any summons."* Basically it is plain from what she answered 1) that she received and read the summons via email, 2) that she saw the address on it written by the Court, "576 5th Avenue, NY, NY, 10036", and 3) that she willingly did not tell the Plaintiff that address was not correct because all tenants had been "evicted". On July 1, 2022, the Plaintiff called Honey Shara as a last attempt to talk about his claims. Honey Shara said she would send "her lawyers". Her lawyers, if they exist, never appeared, and the Plaintiff had no other remedy than to file the Amended Complaint at the beginning of August 2022.

2. As regards to Defendant David Shara. The Plaintiff attempted to serve the Summons and Complaint via the Deputy Sheriff of the City and State of New York. See Exhibit 1, Sheriff's Certificates of Attempted Service. "David Shara is no longer here because the owner of the building evicted all the tenants and whole building is vacant." The certificate shows that attempts to serve were made on 9/1/2022 at 12:55 at the only address known by Plaintiff, 576 5th Avenue, NY, NY, 10036, which has been the Saras' business address. The Plaintiff send a last email to David Shara on July 23, 2022 to address his claims, and David Shara answered: "My attorneys will be in touch with you next week" His attorneys, if they exist, never showed up, and the Plaintiff filed the

Amended Complaint at the beginning of August 2022. Both Honey and David Shara share address of service because that was supposed to be the address where they are located, and they did not provide any other in spite of being in contact as explained.

3. As regards to Defendant Susan Sarandon. At the beginning of August 2022, counsel of Sarandon stated that she would discuss with her client accepting and waving of service. Your Honor, in the order dated August 19, 2022, stated that *“the parties are urged to cooperate to ensure that all Defendants are properly served.”* The Plaintiff has tried his best to cooperate. On August 31, 2022, counsel of Sarandon stated after the Plaintiff requested clarification on this matter: *“I am in the process of discussing with my client”*, and the Plaintiff insisted on September 8, 2022, but received no answer. The “process of discussing” spans now almost one month and a half, and we have to believe that still she could not reach out to solve this question, which is quite obvious.

4. As regards to Defendant Tigran Tsitoghdzian. The office of the Sheriff of the City and State of New York is still in the process to attempt a third and last try to delivery, although the Defendant may have left the that place. His emails work properly to the best of our knowledge. Without renouncing to attempt further, servicing him via email seems to be the most adequate in this case to equate timing to all defendants.

WHEREFORE, the Plaintiff presented this Motion to Order Service of Process Via Email to all defendants because, at least in the case of Honey and David Shara, they are willingly misleading and hiding their address in order to thwart the process, and in the case of Sarandon it is obvious that the delay in the “process to discuss” this topic is just a tactic to delay that does not seem to be taking place in good faith.

Since all Defendants receive emails properly, and even answered them recently as it is the case of Honey and David Shara, and since Sarandon willingly obstructs rather than facilitates the service of process, the Plaintiff proposes this motion to better assist the process of service, which is taking a toll on his resources and also on the timing. Recall that this civil action arises from thwarting the distribution of a film since 2020, something the defendants are accomplishing in a coordinated manner, out of malice, and the difficulties the Plaintiff is meeting in service of process are in tune with previous actions. Recall that counsel of the Plaintiff tried, providing accommodations that went beyond the reasonable, to find an amicable solution since October 2021. David Shara and Honey Shara were too busy around that time throwing extravagant parties in Miami to take seriously the claims of the Plaintiff. See Exhibit 2 [The information is public online.]

We deeply appreciate Your Honor’s time and consideration in this matter, beseeching a just resolution that takes into consideration the professional and

financial suffering that this ongoing situation is causing, so that the process will avoid prolonging it unnecessarily and against the best interest of the case.

Dated: On September 12, 2022

Respectfully submitted,

/s/ ARTHUR BALDER

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Cc. Sara M. Matz (via ECF)